



WEB COPY



H.C.P.No.1960 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.10.2022

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE Mr.JUSTICE RMT.TEEKAA RAMAN

H.C.P.No.1960 of 2022

K.Subramanian

.. Petitioner

Vs.

State by

1.The Superintendent of Police
O/o.The Superintendent of Police
Cuddalore, Cuddalore District

2.The Inspector of Police
Kullanchavadi Police Station
Kullanchavadi, Cuddalore District

3.Suresh

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS directing the 1st and 2nd respondents to bring and produce the petitioner's daughter S.Sumitha, aged about 17 years, before this Court and hand over her custody to the petitioner.



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For Petitioner : Mr.C.Prakasam
For R1 and R2 : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

[Made by P.N.PRAKASH, J.]

It is the case of the petitioner that his daughter *viz.*, Sumitha, aged about 17 years, went missing on 17.09.2022 and is in the illegal custody of the 3rd respondent; he is unable to trace her; despite lodging of a complaint, the police are not taking effective steps to secure her and hence, the present habeas corpus petition seeking a direction to the respondents 1 and 2 to produce her before this Court and set her at liberty.

2. Today, Mr.D.Velayutham, Special Sub-Inspector of Police, Kullanchavadi Police Station is present before this Court. The 3rd respondent *viz.*, Suresh and Sumitha are also present before us.

3. On instructions, the learned Additional Public Prosecutor submitted that on a complaint given by the petitioner, a case in Kullanchavadi P.S.



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Crime No.476 of 2022 was registered on 29.07.2022 under Section 366-A

IPC against Suresh and during the course of investigation, it came to light that Sumitha was in love with Suresh, who is none other than her paternal aunt's son.

4. When we enquired Sumitha, she stated her date of birth as 18.10.2004 and today, she has completed 18 years. We permitted Sumitha's parents to interact with her in the mediation room, after which, she stated that she is not willing to go with them and that she wants to go with Suresh. Sumitha not being a minor, we cannot force her to go with the petitioner and therefore, she is set at liberty to chalk out her own life.

With the above observation, this habeas corpus petition stands closed.

[P.N.P., J.] [T K R, J.]
28.10.2022

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H.C.P.No.1960 of 2022

P.N.PRAKASH, J.

AND

RMT.TEEKAA RAMAN, J.

gya

To

1.The Superintendent of Police
O/o.The Superintendent of Police
Cuddalore, Cuddalore District

2.The Inspector of Police
Kullanchavadi Police Station
Kullanchavadi, Cuddalore District

3.The Public Prosecutor
High Court, Madras

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